

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JENNIFER MILLER, *et al.*,

Plaintiffs,

v.

MICHAEL J. ANDERSON, *et al.*,

Defendants,

and

FIRSTENERGY CORP.,

Nominal Defendant.

Case No. 5:20-cv-1743

Judge John R. Adams

**PRIVILEGE LOG SUPPLEMENT TO  
JOINT PROTOCOL FOR PRODUCTION OF  
DOCUMENTS AND ELECTRONICALLY STORED INFORMATION**

This protocol supplements the stipulated ESI Protocol filed with the Court on November 3, 2021 (Doc. # 155-2), and shall be deemed part of that Protocol.

**VIII. PRIVILEGE LOGS (cont.)**

B. A party withholding documents, or producing documents that contain redactions based on one or more claims of privilege shall produce a privilege log no later than thirty days after the first document is withheld from production and shall produce rolling logs thereafter with the final privilege log being produced no later than (i) January 17, 2022 for all discovery requests where the response was due on or before December 31, 2021; and (ii) no later than January 31, 2022 for all discovery requests where the response was due on or after January 1, 2022. To the extent such discovery is permitted by the Court, for any discovery served with a response date

after January 17, 2022, privilege logs shall be due fourteen days after each production with privileged materials. To the extent a party elects to use metadata to prepare a privilege log, each entry on the log shall have a unique ID and shall include at least the following metadata fields as defined in Section IV.H of the ESI Protocol and the privilege(s) being asserted with respect to each document:

- For Non-Mobile Originated:
  - FROM
  - TO
  - CC
  - BCC
  - AUTHOR
  - LAST EDITED BY
  - ALL CUSTODIAN
  - SUBJECT
  - FILENAME
  - TITLE
  - LAST MODIFIED DATE
  - LAST MODIFIED TIME
  - DATE\_SENT
  - TIME\_SENT/TIME\_ZONE
  - CREATE DATE
  - CREATE TIME
  - TIME\_ZONE
  - FILE\_EXTEN
- For Mobile-Originated:
  - CONVERSATION\_GROUP
  - CONVERSATION\_START\_DATE
  - CONVERSATION\_START\_TIME/TIME\_ZONE
  - CONVERSATION\_END\_DATE
  - CONVERSATION\_END\_TIME/TIME\_ZONE
  - MOBILE\_SOURCE\_APP
  - MOBILE\_SOURCE\_APP\_ACCOUNT
- For all entries to the extent applicable:
  - FIRSTBATES
  - LASTBATES
  - ATTACHRANGE

C. The parties do not need to log any of the following categories of withheld documents:

- i. Privileged communications, documents, or work product exchanged exclusively between an Individual Defendant, on the one hand, and his or her outside counsel, on the other hand, concerning the litigations set out in Exhibit A that are dated after July 21, 2020.
- ii. Privileged communications, documents, or work product exchanged between or among any of the Plaintiffs or any of their respective in-house or outside counsel.

D. The parties also agree to meet and confer to the extent any party identifies any other category of documents withheld on the basis of privilege or work-product immunity, including documents relating to additional matters not set forth in Exhibit A, that it believes should not be logged due to undue burden or other justified reason. If they cannot agree, the matter may be brought to the Court.

**SO ORDERED.**

Dated: 1/7/2022

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

*[signatures begin on next page]*

**Exhibit A**

- *In re FirstEnergy Corp. Sec. Litig.*, Case No. 20-cv-03785-ALM-KAJ (S.D. Ohio) (and all consolidated cases)
- *Employees Retirement System of the City of St. Louis v. Jones, et al.*, Case No. 2:20-cv-04813-ALM-KAJ (S.D. Ohio) (and all consolidated cases)
- *Miller v. Anderson, et al.*, Case No. 5:20-cv-01743-JRA (N.D. Ohio)
- *Gendrich, et al. v. Anderson, et al.*, Case No. CV-2020-07-2107 (Summit County Ct. Com. Pl.) (and all consolidated cases)
- *Buldas v. FirstEnergy Corp.*, Case No. 2:20-cv-03987 (S.D. Ohio) (and all consolidated cases)
- *USA v. Householder*, Case No. 1:20-cr-00077 (S.D. Ohio)
- *USA v. FirstEnergy Corp.*, Case No. 1:21-cr-00086 (S.D. Ohio)
- *In the Matter of FirstEnergy Corp.*, C-08716, SEC
- In the Matter of an Audit of the Affiliated Transactions between Jersey Central Power and Light Company, First Energy Corp. and its Affiliates Pursuant to N.J.S.A. 48:3-49, 48:3-55, 48:3-56, 48:3-58 and N.J.A.C. 14:4-3.7(e) and (f), Docket No. EA20110733
- *State of Ohio ex rel. Dave Yost v. FirstEnergy Corp., et al.*, Case No. 20-CV-006281 (Franklin County Ct. Com. Pl.) (and all consolidated cases)
- *Emmons, et al. v. FirstEnergy Corp., et al.*, Case No. CV-20-935557 (Cuyahoga County Ct. Com. Pl.)
- *Smith, et al. v. FirstEnergy Corp., et al.*, Case No. 2:20-cv-03755-EAS-KAJ (S.D. Ohio) (and all consolidated cases)